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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,429	05/18/2001	Makoto Kayashima	566.39530VX1	5340

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER
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KHOSHNOODI, NADIA

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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12/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/859,429

Applicant(s)

KAYASHIMA ET AL.

Examiner

Nadia Khoshnoodi

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/761,742.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s).

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/27/2007 has been entered.

***Response to Amendment***

Claims 1-13 are cancelled. Applicant's arguments/amendments with respect to new claims 14-18 filed 9/27/2007 have been fully considered and therefore the claims are rejected under new grounds.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 17, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

*Claim Rejections - 35 USC § 102*

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

II. Claims 14-16 and 18 are rejected under 35 U.S.C. 102(e) as being fully anticipated by Beebe et al., United States Patent No. 6,226,372.

As per claim 14:

Beebe et al. teach a security management method comprising: designing security specifications to be applied to the information system by using an information security policy designated by a user (col. 8, lines 18-40), wherein the information security policy is applied to each of the plurality of managed systems designated by the user (col. 8, line 41 – col. 9, line 21 and col. 10, lines 19-25), wherein the information security policy is selected from a first database, which includes a correspondence between information security policies and security measures (col. 9, lines 22-36), and wherein each security measure indicates an action for be taken to secure the managed systems (col. 10, lines 44-58); auditing a security status of the information system with respect to the information security policy designated by the user, wherein the security status indicates whether a security measure has been executed (col. 9, lines 37-51); changing the security status of each of the managed systems based on a result of auditing

the security status (col. 9, lines 52-67); and auditing the security status of the information system every time a security setting is changed (col. 11, lines 12-26).

As per claim 15:

Beebe et al. teach the method of claim 14. Furthermore, Beebe et al. teach the method further comprising: diagnosing the security of the information system by using an audit program selected from a second database, which includes a correspondence between audit programs, the information security policies, the managed systems, and management programs (col. 11, lines 40-53), wherein each audit program audits the security status of each of said managed systems (col. 11, lines 40-53), and wherein the management programs manage security measures of the information security policies and are designated by the user when performing the step of designing the security specifications (col. 11, lines 53-61); and changing, by a management program selected from the second database, the security status of a managed system corresponding to the management program, so as to adjust the security status in accordance with an information security policy corresponding to the management program (col. 11, line 62 – col. 12, line 15).

As per claim 16:

Beebe et al. teach the method of claim 14. Furthermore, Beebe et al. teach the method further comprising: in accordance with a security setting content received from the user, changing, by a management program selected from a second database, the security status of a managed system corresponding to the management program, so as to adjust the security status in accordance with the information security policy corresponding to the management program (col. 11, lines 40-53), wherein the second database includes a correspondence between audit

programs, the information security policies, the managed systems, and management programs (col. 11, line 62- col. 12, line 15).

As per claim 18:

Beebe et al. teach a security management system comprising: a first database, which includes information regarding the managed systems to which information security policies are applied (col. 12, lines 36-39 and col. 17, lines 27-31); a second database, which includes information regarding specifications of information security policies (col. 12, lines 39-41 and col. 13, lines 56-65); a third database, which includes a correspondence between the managed systems and information security policies (col. 12, lines 41-43 and col. 17, lines 27-31); a management and audit object area control section which selects, from said first database, managed systems to which information security policies are applied based on a designation by a user (col. 12, lines 44-54); an information security policy selection control section which extracts, from said second database, information security policy specifications based on a designation by a user (col. 12, lines 54-65); an information security policy/security management and audit program correspondence control section that extracts, from said third database, an information security policy corresponding to the managed systems, and designs security specifications for each of the managed systems by using the information security policy specifications designated by the user (col. 12, line 66 – col. 13, line 7); a plurality of audit sections that audit a security status of the information system with respect to the information security policy designated by the user (col. 13, lines 8-22), wherein the security status indicates whether a specific action to secure the managed systems has been executed (col. 13, lines 22-24); and a plurality of management sections that obtain the security status of the information system,

based on audit results from the plurality of audit sections, and manage security status relating to the information security policy of the managed systems in order to bring the security status of the managed systems in conformity with the information security policy specified by the security specification designed at the information security policy/security management and audit program correspondence control section (col. 13, lines 24-26), wherein the information security policy/security management and audit program correspondence control section audits the security status of the information system every time a security setting is changed (col. 19, lines 23-44).

***Claim Rejections - 35 USC § 103***

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beebe et al., United States Patent No. 6,226,372 as applied to claim 14 above and further in view of CERT's CC Vendor-Initiated Bulletins 1994-1998.

As per claim 12:

Beebe et al. substantially teach the security management method according to claim 14. Not explicitly disclosed is checking the result of auditing against security hole information published by a security information organization including Computer Emergency Response Team (CERT) to determine if a security hole exists; and changing the security status of the

managed system in which a security hole is found. However, CERT/CC Vendor-Initiated Bulletins disclose security hole information published by a security information organization including CERT. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Beebe et al. to incorporate the use of security hole information published by a security information organization including CERT or Computer Emergency Response Team. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since CERT/CC Vendor-Initiated Bulletins 1994-1998 suggest that it is very important to deal with security vulnerabilities as soon as possible which means that it is necessary to report vulnerabilities as discovered in order to allow all users to take the necessary precautions in pages 1-8.

*\*References Cited, Not Used*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US Patent No. 6,990,591
2. US Patent No. 7,020,697
3. US Patent No. 6,115,735
4. US Patent No. 6,216,231
5. US Patent No. 6,678,827
6. US Patent No. 6,532,543
7. US Patent No. 5,859,966
8. US Patent No. 6,353,886

The above references have been cited because they are relevant due to the manner in which the invention has been claimed.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825. The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nadia Khoshnoodi  
Examiner  
Art Unit 2137  
12/8/2007

NK



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